IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4232 of 2007()

CRIME NO.249/2007 OF KORATTY POLICE STATION]

PETITIONER/ACCUSED:

JESSY, AGED 69, W/O.LATE GEORGE,
CHERPHANATH HOUSE, P.O.KADUKUTTY, THRISSUR DIST.

BY ADV. SRI.K.N.PADMAKUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY SI OF
POLICE, KORATTY, THRISSUR DISTRICT, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4232 of 2007

Dated this the 12th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner is a woman aged about 69 years. She faces allegations under Section 135 of the Electricity Act, 2003. She is a consumer in respect of a premises. There is an allegation that the electricity meter to her premises was tampered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The police can only investigate. They cannot file a final report. This position has been made clear in Paramasivam v. Union of India [2007(2)KLT 733]. The learned counsel for the petitioner submits that the petitioner is prepared to co-operate with the investigators. She may not be compelled to endure the undeserved trauma of arrest and detention in custody. Appropriate directions may be issued, it is prayed.

3. The learned Public Prosecutor does not oppose the prayer but submits that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation.

4. I am satisfied, in the facts and circumstances of this case, that directions under Section 438 Cr.P.C can be issued in favour of the petitioner. In the absence of serious opposition, it is not necessary for me to advert to facts in any greater detail.

5. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 19/7/2007.

ii) She shall be released on regular bail on condition that she executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make herself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 20/07/2007 and 21/7/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law, as if these directions were not issued at all.

(v) If she were arrested prior to 19/7/2007, she shall be released on bail on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 19/7/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007